

COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and  
JANE DOE,

Plaintiffs

No. 3:CV 02-0444

v

Judge Thomas I. Vanaskie, Chief Judge

FATHER ERIC ENSEY,  
FATHER CARLOS URRUTIGOITY,  
DIOCESE OF SCRANTON,  
BISHOP JAMES C. TIMLIN,  
THE SOCIETY OF ST. JOHN,  
THE PRIESTLY FRATERNITY OF ST.  
PETER, and  
ST. GREGORY'S ACADEMY,

Defendants

FILED  
SCRANTON

SEP - 5 2002

PER \_\_\_\_\_  
DEPUTY CLERK

**DEFENDANTS, DIOCESE OF SCRANTON AND BISHOP JAMES C. TIMLIN,  
ANSWER TO PLAINTIFFS' COMPLAINT**

**First Defense:**

The Complaint fails to state a claim upon which relief can be granted.

**Second Defense:**

The Court lacks jurisdiction over the subject matter of this claim.

**Third Defense:**

Neither the Diocese of Scranton nor Bishop James C. Timlin were the employer of the other Defendants in this case are, therefore, not liable for their actions under the Doctrine of Respondeat Superior or otherwise.

**Fourth Defense:**

Plaintiffs claims are barred by the expiration of the statute of limitations.

**Fifth Defense:**

1. The allegations of Paragraph 2, 7 and 10 of the Complaint are admitted.

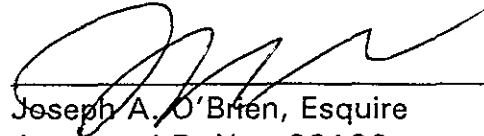
2. Defendants, Diocese of Scranton, lacks knowledge or information sufficient to form a belief as to the allegations of Paragraphs 3, 4, 5, 15, 16, 17, 18, 19, 20, 23, 29, and 30-33 of the Complaint and demands strict proof thereof at the time of trial.

3. The allegations of Paragraph 34 through 45 and 58 through 68 are not directed to the Diocese of Scranton or Bishop Timlin and are, therefore, denied.

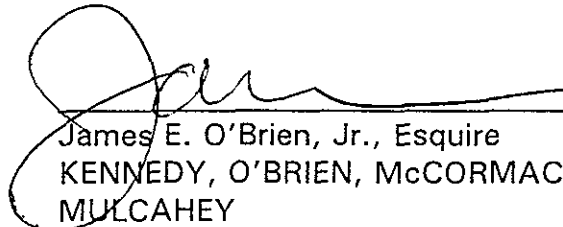
4. The allegations of 1, 6, 8, 9, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28 46-57 and 69 through 90 are denied as stated. These paragraphs include conclusions of civil or cannon law to which are deemed denied and to which an answer is not required.

5. The remaining allegations of the Complaint are denied as stated.

Respectfully submitted,



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CERTIFICATE OF SERVICE

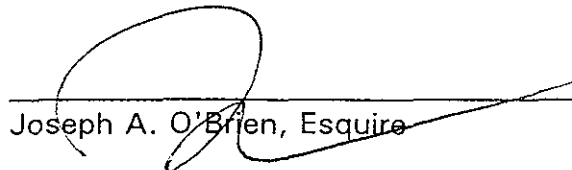
I, Joseph A. O'Brien, Esquire, of Oliver, Price & Rhodes, hereby certify that on the 5th day of September, 2002, I served a true and correct copy of the foregoing DEFENDANTS, DIOCESE OF SCRANTON AND BISHOP JAMES C. TIMLIN, ANSWER TO PLAINTIFFS' COMPLAINT by placing the same in the United States Mail, First Class Postage Prepaid, at Clarks Summit, Pennsylvania, addressed as follows:

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